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H.244

Introduced by Representatives Partridge of Windham, Lippert of Hinesburg,  
Bartholomew of Hartland, Beck of St. Johnsbury, Coffey of  
Guilford, Cordes of Lincoln, James of Manchester, Masland of  
Thetford, Mrowicki of Putney, Ode of Burlington, Stebbins of  
Burlington, Surprenant of Barnard, White of Bethel, and White  
of Hartford

Referred to Committee on

Date:

Subject: Health; public health; disposition of human remains; natural organic  
reduction

Statement of purpose of bill as introduced: This bill proposes to allow for the  
permanent disposition of human remains by natural organic reduction. It  
would give operators of natural organic reduction facilities the same rights and  
responsibilities as the operators of crematory establishments.

An act relating to authorizing the natural organic reduction of human  
remains

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 \* \* \* Deaths, Burials, and Autopsies \* \* \*

3 Sec. 1. 18 V.S.A. § 5200 is added to read:

4 § 5200. DEFINITIONS

5 As used in this chapter:

6 (1) “Cemetery” has the same meaning as in section 5302 of this title.

7 (2) “Cremation” has the same meaning as in section 5302 of this title.

8 (3) “Crematory establishment” has the same meaning as in section 5302  
9 of this title.

10 (4) “Natural organic reduction” has the same meaning as in section 5302  
11 of this title.

12 (5) “Natural organic reduction facility” has the same meaning as in  
13 section 5302 of this title.

14 Sec. 2. 18 V.S.A. § 5201 is amended to read:

15 § 5201. PERMITS; REMOVAL OF BODIES; CREMATION; NATURAL

16 ORGANIC REDUCTION; WAITING PERIOD; INVESTIGATION  
17 INTO CIRCUMSTANCES OF DEATH

18 (a) Burial transfer permit. A dead body shall not be buried, entombed, or  
19 removed, or otherwise disposed of without a burial-transit permit issued and  
20 signed by a municipal clerk, a county clerk, or a deputy clerk for the  
21 municipality or unorganized town or gore in which the dead body is located; a

1 funeral director licensed in Vermont; an owner or designated manager of a  
2 ~~crematorium~~ licensed crematory establishment or natural organic reduction  
3 facility in Vermont who is registered to perform removals; or a law  
4 enforcement officer.

5 \* \* \*

6 (3) A funeral director licensed in Vermont or an owner or designated  
7 manager of a ~~crematory~~ licensed crematory establishment or natural organic  
8 reduction facility in Vermont who is registered to perform removals may issue  
9 a burial-transit permit for any municipality or unorganized town or gore at any  
10 time, including during the normal business hours of a municipal clerk.

11 \* \* \*

12 (b) ~~No~~ An operator of a crematory ~~facility~~ establishment shall not cremate  
13 or allow the cremation of a ~~dead~~ human body and an operator of a natural  
14 organic reduction facility shall not process or allow the processing of a human  
15 body until the passage of at least 24 hours following the death of the decedent,  
16 as indicated on the death certificate, unless, if the decedent died from a  
17 virulent, communicable disease, a Department of Health rule or order requires  
18 the cremation or natural organic reduction to occur prior to the end of that  
19 period. If the Attorney General or a State's Attorney requests the delay of a  
20 cremation or natural organic reduction based upon a reasonable belief that the  
21 cause of death might have been due to other than accidental or natural causes,

1 the cremation or natural organic reduction of a dead human body shall be  
2 delayed, based upon such request, a sufficient time to permit a civil or criminal  
3 investigation into the circumstances that caused or contributed to the death.

4 (c) The person in charge of the body shall not release for cremation or  
5 natural organic reduction the body of a person who died in Vermont until the  
6 person in charge has received a certificate from the chief, regional, or assistant  
7 medical examiner that the medical examiner has made personal inquiry into the  
8 cause and manner of death and is satisfied that no further examination or  
9 judicial inquiry concerning it is necessary. Upon request of a funeral director,  
10 the person in charge of the body, or the ~~crematory~~ operator of a crematory  
11 establishment or natural organic reduction facility, the Chief Medical  
12 Examiner shall issue a cremation or natural organic reduction certificate after  
13 the medical examiner has completed an autopsy. The certificate shall be  
14 retained by the crematory establishment or natural organic reduction facility, as  
15 applicable, for a period of three years. The person requesting cremation or  
16 natural organic reduction shall pay the ~~department~~ Department a fee of \$25.00.

17 (d)(1) For all cremations or natural organic reductions requested for the  
18 body of a person who died outside Vermont, the ~~crematory~~ operator of a  
19 crematory establishment or natural organic reduction facility shall do the  
20 following before conducting the cremation or natural organic reduction:

1 (A) obtain a permit for transit or ~~cremation~~ permanent disposition;

2 and

3 (B) comply with the laws of the state in which the person died,  
4 including obtaining a copy of a medical examiner's permit if one is required.

5 (2) No additional approval from the Vermont medical examiner's office  
6 is required if compliance with the laws of the state in which the person died is  
7 achieved.

8 Sec. 3. 18 V.S.A. § 5207 is amended to read:

9 § 5207. CERTIFICATE FURNISHED FAMILY; BURIAL-TRANSIT

10 PERMIT

11 Within 24 hours after death, the death certificate shall be made available  
12 upon request to the family of the deceased, if any, or the undertaker or person  
13 who has charge of the body. The certificate shall be filed with the person  
14 issuing the burial-transit permit obtained by the person who has charge of the  
15 body before ~~such dead body shall be buried, entombed, or removed~~ permanent  
16 disposition or removal from the town. When the death certificate is so filed,  
17 the officer or person shall immediately issue a burial-transit permit under legal  
18 restrictions and safeguards.

1 Sec. 4. 18 V.S.A. § 5210 is amended to read:

2 § 5210. FORM OF BURIAL OR REMOVAL PERMIT

3 If it is desired to bury, entomb, or otherwise dispose of a dead body within  
4 the limits of a town where the death occurred, the certificate of permission  
5 shall state plainly the time, place, and manner of such burial, entombment, or  
6 disposition. If it is desired to remove a dead body from the town where the  
7 death occurred, the certificate of permission shall contain the essential facts  
8 contained in the certificate of death on which it is issued, shall accompany the  
9 body to its destination, and may be accepted as a permit for ~~burial or~~  
10 ~~entombment~~ permanent disposition by a sexton or other person having the care  
11 of a cemetery, ~~burial ground~~, tomb, or receiving vault.

12 Sec. 5. 18 V.S.A. § 5213 is amended to read:

13 § 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

14 Such permit shall state specifically ~~where such body is to be buried,~~  
15 ~~cremated, or entombed~~ the location of the body's permanent disposition and  
16 the time and manner of its removal. A town clerk issuing such a permit shall  
17 make it in duplicate if the body is to be removed from the town, one copy of  
18 which shall be delivered to the person having charge of the cemetery or tomb  
19 from which the body is to be taken and the other shall be delivered to the  
20 person having charge of the cemetery or tomb wherein it is desired to place the  
21 body.

1 Sec. 6. 18 V.S.A. § 5224 is amended to read;

2 § 5224. DISPOSITION OF REMAINS; PERMITS

3 (a) Fetal remains shall be disposed of by burial, ~~or cremation,~~ or natural  
4 organic reduction unless released to an educational institution for scientific  
5 purposes or disposed of by the hospital or as directed by the attending  
6 physician in a manner ~~which~~ that will not create a public health hazard.  
7 Permission shall be obtained from one of the parents, if competent, for  
8 disposition in all cases where a funeral director is not involved. One copy of  
9 the fetal death report shall be printed in such manner that completion and  
10 signing by the physician or medical examiner shall constitute permission to  
11 make ~~final~~ permanent disposition of the fetal remains.

12 (b) When a funeral director is involved or when the fetal remains are to be  
13 privately buried or disposed of by a ~~commercial~~ crematory establishment or  
14 natural organic reduction facility, the funeral director or other person taking  
15 charge of the remains shall obtain from the hospital or physician the  
16 disposition permit portion of the report and shall deliver it to the sexton or  
17 other person having care of the cemetery, tomb, vault, ~~or crematory~~  
18 establishment, or natural organic reduction facility before burial or other  
19 disposition takes place. These permits shall be delivered each month to the  
20 clerk of the town in which burial or disposition took place, in the same manner  
21 as permits for burial of dead bodies; so also shall all other provisions of

1 sections 5209-5216 of this title be applicable to fetal remains as are applicable  
2 to dead bodies.

3 \* \* \*

4 Sec. 7. 18 V.S.A. chapter 107, subchapter 3 is amended to read:

5 Subchapter 3. Rights of Family Members, ~~and~~ Other Interested Persons,  
6 Funeral Directors, and ~~Crematory~~ Operators of Crematory Establishments and  
7 Natural Organic Reduction Facilities

8 \* \* \*

9 § 5227. RIGHT TO DISPOSITION

10 (a) If there is no written directive of the decedent, in the following order of  
11 priority, one or more competent adults shall have the right to determine the  
12 disposition of the remains of a decedent, including the location, manner, and  
13 conditions of disposition and arrangements for funeral goods and services:

14 \* \* \*

15 (9) the funeral director, ~~or~~ crematory establishment operator, or operator  
16 of a natural organic reduction facility with custody of the body, after attesting  
17 in writing that a good faith effort has been made to contact the individuals  
18 described in subdivisions (1) through (8) of this subsection; or

19 \* \* \*

20 (c)(1) If the disposition of the remains of a decedent is determined under  
21 subdivision (a)(9) of this section and the funeral director, ~~or~~ crematory

1 establishment operator, or operator of a natural organic reduction facility has  
2 cremated or processed the remains, as applicable, the funeral director, ~~or~~  
3 crematory establishment operator, or operator of the natural organic reduction  
4 faciity shall retain the remains for three years and, if no interested party as  
5 provided in subdivisions (a)(1) through (8) of this section claims the  
6 decedent's remains after three years, the funeral director, ~~or~~ crematory  
7 establishment operator, or operator of the natural organic reduction facility  
8 shall arrange for the ~~final~~ permanent disposition of ~~the cremated~~ remains, as  
9 applicable, consistent with any applicable law and standard funeral practices.

10 (2) Notwithstanding any provision of subdivision (1) of this subsection  
11 to the contrary, a funeral director, ~~or~~ crematory establishment operator, or  
12 operator of a natural organic facility may determine that the unclaimed  
13 ~~cremated~~ remains of a deceased veteran shall be interred at the Vermont  
14 Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

15 (A) at least 180 days have passed since the funeral director, ~~or~~  
16 crematory establishment operator, or operator of a natural organic facility  
17 cremated or processed the remains, as applicable;

18 (B) the funeral director, ~~or~~ crematory establishment operator, or  
19 operator of a natural organic facility either:

1                   (i) has actual knowledge that there is no interested party as  
2 provided in subdivisions (a)(1) through (8) of this section to claim the  
3 decedent's remains; or

4                   (ii) after making reasonable efforts, has been unable to locate and  
5 contact any known interested party as provided in subdivisions (a)(1) through  
6 (8) of this section; and

7                   (C) the funeral director, ~~or~~ crematory establishment operator, or  
8 operator of a natural organic facility has confirmed with the Office of Veterans  
9 Affairs that the deceased veteran is eligible to be interred at the Vermont  
10 Veterans Memorial Cemetery.

11                  (d)(1) If the disposition of the remains of a decedent is determined under  
12 subdivision (a)(10) of this section, the Office of the Chief Medical Examiner  
13 may contract with a funeral director, ~~or~~ crematory establishment operator, or  
14 operator of a natural organic facility to cremate or process the remains of the  
15 decedent, as applicable.

16                  (2)(A) If the cremation or natural organic reduction of the decedent is  
17 arranged and paid for under 33 V.S.A. § 2301, the Department for Children  
18 and Families shall pay the ~~cremation~~ expenses to the funeral home, up to the  
19 maximum payment permitted by rule by the Department for Children and  
20 Families.

1           (B) If the ~~cremation~~ permanent disposition of the decedent is not  
2 arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall  
3 pay the ~~cremation~~ expenses to the funeral home, up to the maximum payment  
4 permitted by rule by the Department for Children and Families.

5           (3) The ~~cremated~~ remains shall be returned to the Office of the Chief  
6 Medical Examiner. The Office shall retain the remains for three years, and if  
7 no interested party, as described in subdivisions (a)(1) through (8) of this  
8 section, claims the decedent's remains after three years, the Office shall  
9 arrange for the ~~final~~ permanent disposition of the ~~cremated~~ remains consistent  
10 with any applicable law and standard funeral practices.

11           (4) Notwithstanding any provision of subdivision (3) of this subsection  
12 to the contrary, the Office of the Chief Medical Examiner may determine that  
13 the unclaimed ~~cremated~~ remains of a deceased veteran shall be interred at the  
14 Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

15           (A) at least 180 days have passed since the remains were cremated or  
16 processed;

17           (B) the Office of the Chief Medical Examiner either:

18           (i) has actual knowledge that there is no interested party as  
19 provided in subdivisions (a)(1) through (8) of this section to claim the  
20 decedent's remains; or



1 imposed by 14 V.S.A. § 1205, or by any individual who agrees to pay the  
2 costs. Nothing in this subchapter shall be construed to require a funeral  
3 director, ~~or~~ crematory establishment operator, or operator of a natural organic  
4 reduction facility to provide goods or services for which there is no payment.

5 § 5230. RIGHTS OF FUNERAL DIRECTOR OR ~~CREMATORY~~

6 OPERATOR OF A CREMATORY ESTABLISHMENT OR

7 NATURAL ORGANIC REDUCTION FACILITY

8 A funeral director, ~~or~~ crematory establishment operator, or operator of a  
9 natural organic reduction facility may determine the ~~final~~ permanent  
10 disposition of remains and may file a civil action in Probate Division of the  
11 Superior Court against a person, estate, banking institution, governmental  
12 agency, or other entity ~~which~~ that may have liability for the ~~final~~ permanent  
13 disposition, either:

14 (1) to seek a declaratory judgment that the director's or operator's  
15 proposed action would be in compliance with the applicable provisions of law;

16 or

17 (2) to seek a judgment that the director or operator's action is in  
18 compliance with the applicable provisions of law and to recover reasonable  
19 costs and fees for the ~~final~~ permanent disposition when:

20 (A) the ~~funeral~~ director or ~~crematory~~ operator has actual knowledge  
21 that there is no surviving family member, guardian, or individual appointed to

1 arrange for the disposition of decedent's remains pursuant to chapter 231 of  
2 this title;

3 (B) the ~~funeral~~ director or ~~crematory~~ operator has made reasonable  
4 efforts to locate and contact any known family member, guardian, or agent;  
5 and

6 (C) the appropriate local or State authority, if any, fails to assume  
7 responsibility for disposition of the remains within 36 hours of written notice,  
8 which may be delivered by hand, U.S. mail, facsimile transmission, electronic  
9 means, or telegraph.

10 § 5231. CIVIL ACTION

11 \* \* \*

12 (c) Except as provided for under subdivision (b)(4) of this section, an  
13 individual who has paid or agreed to pay for all or part of the funeral  
14 arrangements or ~~final~~ permanent disposition does not have greater priority to  
15 the right to disposition than as set forth in section 5227 of this title.

16 (d)(1) A funeral director, ~~or crematory establishment operator, or operator~~  
17 of a natural organic reduction facility may refuse to accept bodily remains, to  
18 inter or otherwise dispose of bodily remains, or to complete the arrangements  
19 for the ~~final~~ permanent disposition until such time as the court issues an order  
20 or the parties to the action submit a final stipulation approved by the court  
21 regarding the disposition of remains.

1           (2) If the ~~funeral~~ director or ~~crematory~~ operator retains the remains for  
2 ~~final~~ permanent disposition while an action is pending, the ~~funeral~~ director or  
3 ~~crematory~~ operator may refrigerate or shelter the remains while awaiting a  
4 preliminary or final order of the court. The cost of refrigeration or sheltering  
5 shall be the responsibility of the party or parties who contracted with the  
6 ~~funeral~~ director or ~~crematory~~ operator, the person or entity who is otherwise  
7 liable for the costs of ~~final~~ permanent disposition, or the estate as ordered by  
8 the court, or any combination of these, and the court may include in the order a  
9 decision concerning which of these shall be responsible for paying these costs.

10           (e) If a ~~funeral~~ director or ~~crematory~~ operator commences an action under  
11 this section, the ~~funeral~~ director or ~~crematory~~ operator may ask the court to  
12 include an order against the estate or the parties for reasonable legal fees and  
13 costs. If the estate is insolvent and no other person should be responsible for  
14 the filing fee, the court may waive the filing fee. The court, in its discretion,  
15 may order a party or parties to pay the reasonable costs of ~~final~~ permanent  
16 disposition as a condition of the appointment to make disposition decisions.  
17 The court may order that a party, or parties, including the petitioner, pay  
18 reasonable legal fees and costs associated with the action.

19           (f) Any appeal from the ~~probate court~~ Probate Division shall be on the  
20 record to the Civil Division of the Superior Court. There shall be no appeal as  
21 a matter of right to the Supreme Court.

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\* \* \*

§ 5233. LIMITED LIABILITY

A funeral director, ~~or~~ crematory establishment operator, or operator of a natural organic reduction facility shall not be subject to civil liability or subject to disciplinary action for carrying out the disposition of the remains if he or she relied in good faith on a funeral service contract or authorization or for following the instructions of an individual ~~whom~~ who the funeral director or ~~crematory~~ operator reasonably believes or believed holds the right of disposition.

\* \* \*

\* \* \* Cemeteries \* \* \*

Sec. 8. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries, religious or ecclesiastical society cemeteries, cemetery associations, and any person, firm, corporation, or unincorporated association engaged in the business of a cemetery.

(2) “Alkaline hydrolysis” means the reduction of human remains to bone fragments and essential elements in a hydrolysis facility using heat, pressure, water, and base chemical agents.

1           (3) “Alkaline hydrolysis facility” means a structure, room, or other  
2 space in a building or structure containing one or more hydrolysis vessels, to  
3 be used for alkaline hydrolysis.

4           (4) “Cemetery” means any plot of ground used or intended to be used  
5 for the burial or permanent disposition ~~permanently~~ of the remains of the  
6 human dead in a grave, a mausoleum, a columbarium, a vault, a scattering  
7 garden, or other receptacle.

8           ~~(3)~~(5) “Cemetery association” means any corporation now or hereafter  
9 organized ~~which~~ that is or shall be authorized by its articles to conduct the  
10 business of a cemetery.

11           ~~(4)~~(6) “Columbarium” means a structure or room or other space in a  
12 building or structure of durable and lasting fireproof construction, containing  
13 niches, used or intended to be used, to contain ~~cremated~~ the permanent  
14 disposition of human remains.

15           ~~(5)~~(7) “Community mausoleum” means a structure or building of  
16 durable and lasting construction used or intended to be used for the permanent  
17 disposition of the remains of deceased persons in crypts or spaces, provided  
18 such crypts or spaces are available to or may be obtained by individuals or the  
19 public for a price in money or its equivalent.

1           ~~(6)~~(8) “Cremated remains” means remains of a deceased person after  
2           incineration in a crematory establishment or decomposition in an alkaline  
3           hydrolysis facility.

4           ~~(7)~~(9) “Cremation” means the reducing of the remains of deceased  
5           persons, by the use of retorts or alkaline hydrolysis, to cremated remains and  
6           the disposal thereof in a columbarium, niche, mausoleum, grave, scattering  
7           garden, or in any other manner not contrary to law.

8           ~~(8)~~(10) “Crematory establishment” means a building or structure  
9           containing one or more retorts, used or intended to be used, for the reducing of  
10          the bodies of deceased persons to cremated remains.

11          ~~(9)~~(11) “Crypt” means the chamber in a mausoleum of sufficient size to  
12          contain the remains of deceased persons.

13          ~~(10)~~(12) “Ecological land management practices” means utilization of  
14          land stewardship decision-making processes that account for the best available  
15          understanding of ecosystem functions and biological diversity.

16          ~~(11)~~(13) “Natural burial ground” means a cemetery maintained using  
17          ecological land management practices and without the use of vaults for the  
18          burial of unembalmed human remains or human remains embalmed using  
19          nontoxic embalming fluids and that rest in either no burial container or in a  
20          nontoxic, nonhazardous, plant-derived burial container or shroud.

1           (14) “Natural organic reduction” means the contained, accelerated  
2           conversion of human remains to soil.

3           (15) “Natural organic reduction facility” means a structure, room, or  
4           other space in a building or real property where natural organic reduction of a  
5           human body occurs.

6           ~~(12)~~(16) “Niche” means a recess in a columbarium used, or intended to  
7           be used for the permanent disposition of the cremated human remains of one or  
8           more deceased persons.

9           (17) “Scattering garden” means a designated area in a cemetery for the  
10           removal of human remains from their container for the purpose of scattering  
11           the remains in a lawful manner.

12           ~~(13)~~(18) “Temporary receiving vault” means a vault or crypt in a  
13           structure of durable and lasting construction, used or intended to be used, for  
14           the temporary deposit of the remains of a deceased person for a period of time  
15           not exceeding one year.

16           Sec. 9. 18 V.S.A. § 5306 is amended to read:

17           § 5306. PERPETUAL CARE FUNDS

18           An agency engaged in the cemetery business shall have the right to acquire  
19           by gift, devise, or otherwise, land and property of every name and nature and  
20           to set aside surplus funds, to be held in trust as a perpetual care fund, the  
21           income thereof to be used according to the directions of the trust, where such

1 directions are given, and where no specific directions are given, or, where  
2 given, and the purpose is incapable of performance, or there is a surplus of  
3 income after the directions of the trust have been fully complied with and  
4 performed, to use the same for the purpose of building, repairing, maintaining,  
5 adorning, and beautifying buildings or parts thereof, fences, graves, vaults,  
6 mausoleums, monuments, walks, cemetery lots, grounds, scattering gardens,  
7 drives, or avenues, as the interests of the lot owners and cemetery shall appear.  
8 The duty upon all agencies organized to establish a perpetual care fund  
9 according to the terms hereinafter set forth is hereby imposed.

10 Sec. 10. 18 V.S.A. § 5313 is amended to read:

11 § 5313. RECORDS; BURIAL RECORDS OPEN TO PUBLIC

12 An agency engaged in the business of a cemetery, community mausoleum,  
13 or columbarium shall provide and maintain a suitable place of deposit for the  
14 records and files of such cemetery, community mausoleum, or columbarium,  
15 of such character as will safely keep and preserve such records and files from  
16 loss and destruction, and it shall make and file proper records in such place.

17 The record of ~~burials, interments, and cremations~~ the permanent disposition of  
18 human remains shall at all reasonable times be open to the public.

19 Sec. 11. 18 V.S.A. § 5315 is amended to read:

20 § 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;  
21 DISPOSITION OF PROCEEDS

1       Either before or after the recording of the plat, as hereinbefore provided,  
2       whenever it is determined that such lands acquired for cemetery purposes,  
3       except those acquired by condemnation proceedings, are unsuitable for ~~burial~~  
4       ~~purposes~~ the permanent disposition of human remains, such lands may be sold  
5       for purposes other than ~~interment~~ permanent disposition and conveyed in fee  
6       simple in such manner and upon such terms as may be provided by the  
7       agencies owning the same. The proceeds thereof shall be applied to the  
8       purchase of other lands or to general cemetery purposes. When such sales are  
9       made, the land so sold shall be returned by the agencies to the tax lists for  
10      taxation. In the case of land acquired by condemnation proceedings, it shall be  
11      disposed of under the law governing the disposal of land acquired by  
12      condemnation proceedings.

13      Sec. 12. 18 V.S.A. § 5318 is amended to read:

14      § 5318. PUBLIC USE OF CEMETERY FOR OTHER PURPOSES

15      A public highway or railroad shall not be laid through ~~such burial ground~~ a  
16      cemetery without the consent of the town, association, or the General  
17      Assembly, and no portion of ~~such burial ground~~ a cemetery shall be taken for  
18      public use without special authority from the General Assembly.

19      Sec. 13. 18 V.S.A. § 5319 is amended to read:

20      § 5319. DISPOSITION OF REMAINS OF DEAD

21      (a)(1) The permanent disposition of human remains shall be by:



1 escape of effluvia. That portion of the same above the natural surface of the  
2 ground shall be constructed of natural stone of a standard not less than that  
3 required by the U.S. government for monuments erected in national  
4 cemeteries, of durability sufficient to withstand all conditions of weather, and  
5 of a character to ensure its permanence.

6 (d) The remains of a human body after cremation or natural organic  
7 reduction may be deposited in a scattering garden, niche of a columbarium, ~~in~~  
8 ~~a~~ or a crypt of a mausoleum; ~~be~~ buried; or disposed of in any manner not  
9 contrary to law.

10 Sec. 14. 18 V.S.A. § 5321 is amended to read:

11 § 5321. IMPROVEMENT OF PRIVATE ~~BURIAL GROUNDS~~

12 CEMETERIES; DUTIES OF OFFICERS

13 When the use and care of a private ~~burial ground~~ cemetery has been  
14 abandoned and such ground becomes unsightly from any cause, or when  
15 headstones or monuments have been displaced, the selectboard or board of  
16 cemetery commissioners having charge of the public cemeteries in the town  
17 where ~~such burial ground~~ the cemetery is located, on written request of three  
18 legally qualified voters of such town, shall forthwith cause a notice to be  
19 published once a week on the same day of the week for three successive weeks  
20 in some newspaper circulating therein, calling upon any person interested in  
21 such ~~burial ground~~ cemetery to cause the same to be put in proper condition

1 within three months from the date of such notice. At the expiration of such  
2 time, if such demand is not complied with, the selectboard or board shall  
3 proceed then and thereafter as if such ground were a public ~~burial place~~  
4 cemetery.

5 Sec. 15. 18 V.S.A. § 5322(a) is amended to read:

6 (a) Any person wishing to have a temporary right of entry over private land  
7 in order to enter a ~~graveyard~~ cemetery enclosure to which there is no public  
8 right-of-way may apply in writing to the selectboard or cemetery  
9 commissioners, as the case may be, state the reason for such request and the  
10 period of time for which such right is to be exercised. The applicant shall also  
11 notify in writing an owner or occupier of the land over which the right-of-way  
12 is desired. If the selectboard or cemetery commissioners find that the request  
13 is reasonable, they shall issue a permit for a temporary right of entry  
14 designating the particular place where, and the manner in which, the land may  
15 be crossed. The owner or occupier of the land may recommend a place of  
16 crossing ~~which~~ that, if reasonable, shall be the place designated by the  
17 selectboard or cemetery commissioners.

18 Sec. 16. 18 V.S.A. § 5361 is amended to read:

19 § 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

20 A town may vote sums of money necessary for purchasing, holding, and  
21 keeping in repair suitable grounds and other conveniences for ~~burying~~

1 permanent disposition of the dead. The selectboard may make necessary  
2 regulations concerning public ~~burial grounds~~ cemeteries and for fencing and  
3 keeping the same in proper order.

4 Sec. 17. 18 V.S.A. § 5362 is amended to read:

5 § 5362. REPAIR; EXPENSE; NOTICE

6 (a) When lots or walks in a public ~~burial ground~~ cemetery become  
7 unsightly with weeds or by an unchecked growth of grass or from any other  
8 cause, or when headstones or monuments have become displaced or out of  
9 repair, the selectboard or board of cemetery commissioners shall cause such  
10 lots and walks to be cleared of weeds and grass, the headstones or monuments  
11 to be replaced or repaired, or other disfigurements removed, and may draw  
12 orders on the town treasurer for the expenses incurred.

13 \* \* \*

14 Sec. 18. 18 V.S.A. § 5364 is amended to read:

15 § 5364. FENCES; PENALTY

16 When the selectboard or board of cemetery commissioners neglect to keep  
17 in repair the fence around a public ~~burial ground~~ cemetery, the town may be  
18 prosecuted for such neglect and fined not more than \$400.00. The fine shall be  
19 expended in repairing the fences around such burial grounds under the  
20 direction of a commissioner appointed by the court.

1 Sec. 19. 18 V.S.A. § 5365 is amended to read:

2 § 5365. DAMAGES FOR WANT OF FENCE; LIABILITY

3 When a person or estate is damaged by cattle, horses, sheep, or swine  
4 breaking into a public ~~burial-ground~~ cemetery and injuring a grave, headstone,  
5 monument, shrubbery, or flowers, for want of a legal fence around ~~such burial~~  
6 ~~ground~~ the cemetery, such person or estate may recover of the town double the  
7 amount of damages, in a civil action.

8 Sec. 20. 18 V.S.A. § 5366 is amended to read:

9 § 5366. NOT LIABLE UNTIL NOTIFIED

10 A town shall not be charged for not keeping in repair the fence around a  
11 ~~burial-ground~~ cemetery, or be liable for damage done, unless the selectboard,  
12 or board of cemetery commissioners, as the case may be, had notice in writing  
13 20 days previous that the fence was out of repair.

14 Sec. 21. 18 V.S.A. § 5367 is amended to read:

15 § 5367. DUTIES OF SELECTBOARD

16 When a town neglects to place one or more of its public ~~burial-grounds~~  
17 cemeteries under the charge of a board of cemetery commissioners, the  
18 selectboard shall have power to sell and convey lots in ~~such burial-grounds~~ the  
19 cemeteries. They shall apply the proceeds of such sales and accept for the  
20 town and use legacies, bequests, and gifts for improving and embellishing the  
21 grounds.

1 Sec. 22. 18 V.S.A. § 5368 is amended to read:

2 § 5368. EXCEPTIONS

3 Sections 5361-5367 of this title shall not apply to a ~~burial-ground~~ cemetery  
4 ~~which that~~ is subject to other control than that of the selectboard or the board  
5 of cemetery commissioners.

6 Sec. 23. 18 V.S.A. § 5369 is amended to read:

7 § 5369. REMOVAL

8 When it is impracticable to preserve a ~~burial-ground~~ cemetery in proper  
9 condition, and the removal of the remains of the dead therein is required, the  
10 selectboard, in their discretion, may cause such remains to be removed and  
11 interred in a more suitable public ~~burial-ground~~ cemetery.

12 Sec. 24. 18 V.S.A. § 5373 is amended to read:

13 § 5373. CEMETERY COMMISSIONERS

14 When a town votes to place its public ~~burial-grounds~~ cemeteries under the  
15 charge of the board of cemetery commissioners, it shall elect separately a  
16 board of three or five cemetery commissioners, who shall have the care and  
17 management of ~~such burial-ground~~ the cemeteries and exercise all the powers,  
18 rights, and duties with respect to such care and management and all  
19 responsibility on the part of the selectboard shall cease.

1 Sec. 25. 18 V.S.A. § 5375 is amended to read:

2 § 5375. LAYING OUT AND IMPROVING GROUNDS; BURIAL

3 WITHOUT CHARGE

4 The board of cemetery commissioners may set apart such portion of the  
5 ~~burial grounds~~ cemeteries placed under its charge as it deems proper, as a place  
6 for the burial of persons without charge therefor, under such regulations as it  
7 prescribes. It may lay out the remaining unoccupied portions in suitable lots,  
8 with necessary paths, avenues, or other reserved places, and may plant and  
9 embellish the same with trees, shrubs, and flowers.

10 Sec. 26. 18 V.S.A. § 5376 is amended to read:

11 § 5376. SALE OF LOTS; TAX EXEMPTION

12 The board of cemetery commissioners, by one of the commissioners  
13 appointed by it for that purpose, in the name of the town, by deed, may grant  
14 and convey lots in ~~such burial grounds~~ cemeteries to be used for the ~~burial~~  
15 permanent disposition of the dead and on which tombs, cenotaphs, and other  
16 monuments are to be erected. Such lots shall be exempt from taxation. The  
17 deeds thereof shall be recorded in the office of the town clerk of the town  
18 wherein such lots lie.

1 Sec. 27. 18 V.S.A. § 5377 is amended to read:

2 § 5377. PROCEEDS OF SALE; EXPENDITURE

3 The proceeds of such sale of lots shall be paid into the town treasury and  
4 kept separate from other funds of the town and subject to the order of the  
5 board. Such proceeds, with the income thereof, shall be devoted to  
6 maintaining, improving, and embellishing ~~such burial grounds~~ cemeteries. If  
7 the town so votes, the board of cemetery commissioners may sell lots upon  
8 condition that the proceeds therefrom shall be paid into the town treasury in  
9 trust and the income thereof be expended in caring for such lots and the  
10 structures thereon. The board shall fix the prices for such lots and make  
11 regulations in respect to the sale and care thereof.

12 Sec. 28. 18 V.S.A. § 5378 is amended to read:

13 § 5378. BYLAWS AND REGULATIONS

14 The board of cemetery commissioners may make necessary bylaws and  
15 regulations in respect to ~~such burial grounds~~ cemeteries, and ~~interment~~  
16 permanent disposition of the dead not inconsistent with law, and may alter the  
17 same. Such bylaws and regulations shall be recorded in the office of the town  
18 clerk. A bylaw or regulation shall not be adopted to restrain a person in the  
19 free exercise of his or her religious sentiments as to the ~~burial~~ permanent  
20 disposition of the dead.

1 Sec. 29. 18 V.S.A. § 5379 is amended to read:

2 § 5379. REPORT OF CEMETERY COMMISSIONERS

3 The board of cemetery commissioners shall submit annually a written report  
4 to the town auditors as to the condition and needs of the ~~burial grounds~~  
5 cemeteries under its charge and of its doings, including a detailed statement of  
6 its receipts and expenditures and of the amount and disposition of the funds in  
7 its hands or subject to its control.

8 Sec. 30. 18 V.S.A. § 5381 is amended to read:

9 § 5381. TRANSFER OF CARE FROM COMMISSIONERS TO  
10 SELECTBOARD

11 By vote, a town may take its ~~burial grounds~~ cemeteries out of the charge of  
12 the board of cemetery commissioners and place the same under the charge of  
13 the selectboard. When a town so votes, the office of cemetery commissioners  
14 shall terminate.

15 Sec. 31. 18 V.S.A. § 5382 is amended to read:

16 § 5382. TOWN TRUST FUNDS-;ACCEPTANCE OF PROPERTY

17 A town may take and hold in trust grants, gifts, or bequests of property and  
18 apply the same or the income thereof for the care, improvement, or  
19 embellishment of its ~~burial grounds~~ cemeteries or a part thereof, or for the  
20 erection, preservation, or removal of a monument, fence, or other structure in  
21 or around the same according to the terms of the grant, gift, or bequest.

1 Sec. 32. 18 V.S.A. § 5383 is amended to read:

2 § 5383. ACCEPTANCE OF MONEY IN TRUST

3 A town may vote to receive and hold money in trust, the income of which is  
4 to be used for the care and improvement of its ~~burial grounds~~ cemeteries, or of  
5 private lots within ~~such burial grounds~~ the cemeteries or elsewhere.

6 Sec. 33. 18 V.S.A. § 5434 is amended to read:

7 § 5434. PENALTY FOR DOING BUSINESS AS A CEMETERY

8 ASSOCIATION WITHOUT AUTHORITY

9 A person, firm, corporation, or association, or a trust, trustee, or trustees of  
10 any person, firm, corporation, or association, who, without authority of this  
11 chapter so to do, shall exercise or attempt to exercise any powers, privileges, or  
12 franchises ~~which~~ that are specified or may be granted under this chapter to  
13 incorporated cemetery associations, or who shall by any device attempt to  
14 evade the provisions of this chapter applicable to cemetery associations in  
15 respect to the sale of ~~burial~~ lots or ~~burial~~ spaces for the permanent disposition  
16 of human remains and the disposition of the proceeds thereof, shall be fined  
17 not less than \$1,000.00 nor more than \$10,000.00, and may be enjoined from  
18 further doing of such acts at the suit of any taxpayer of the State. However, the  
19 provisions of this section shall not affect or impair the rights of a person, firm,  
20 corporation, or association or a trust, trustee, or trustees of such person, firm,  
21 corporation, or association under any existing contract or contracts between

1 such parties and incorporated cemetery associations, nor shall the performance  
2 of the provisions of such contract or contracts subject parties thereto to the  
3 penalties imposed by this section.

4 Sec. 34. 18 V.S.A. § 5435 is amended to read:

5 § 5435. SALES OF LOTS, CRYPTS, AND NICHES; HOW INCOME  
6 APPLIED; RULES

7 (a) The income of a cemetery association, whether derived from the sale of  
8 lots, ~~burial~~ spaces, crypts, or niches for the permanent disposition of human  
9 remains, from donations, or otherwise, shall be exclusively applied to paying  
10 for the land or other cemetery property, laying out, preserving, protecting, and  
11 embellishing the cemetery and avenues leading thereto, the erection of  
12 buildings necessary for cemetery purposes, the establishing of a fund to care  
13 permanently for the cemetery, the repair and upkeep of scattering gardens,  
14 mausoleums, vaults, columbariums, crypts, and niches therein, and to paying  
15 the necessary expenses of the cemetery association. A debt shall not be  
16 contracted in anticipation of future receipts, except for the original purchase of  
17 the land, community mausoleum, or columbarium, laying out, enclosing, and  
18 embellishing the grounds and avenues therein and to a sum not exceeding  
19 \$50,000.00 in the whole, to be paid out of future income. ~~No part of the~~ The  
20 proceeds from the sale of lots, ~~burial~~ spaces, crypts, or niches for the  
21 permanent disposition of human remains, or other income of such association,

1 shall ~~ever~~ not be divided among its members. All its income shall be used  
2 exclusively for the purposes of the association, as provided in this chapter, or  
3 invested in a fund the income of which shall be so used. Such association may  
4 adopt such reasonable rules and regulations as it deems expedient for disposing  
5 of and conveying ~~burial~~ lots, spaces, crypts, and niches for the permanent  
6 disposition of human remains.

7 \* \* \*

8 Sec. 35. 18 V.S.A. § 5436 is amended to read:

9 § 5436. PERPETUAL CARE FUND

10 A cemetery association established prior to June 1, 1933 may create a  
11 perpetual care fund out of surplus money on hand or ~~which that~~ has been given  
12 to it by will, deed, or otherwise. A cemetery association established after such  
13 date shall create such a perpetual care fund by applying thereto from the initial  
14 proceeds received from the sale of lots or ~~burial~~ spaces for the permanent  
15 disposition of human remains a sum ~~which that~~ shall be equivalent to and not  
16 less than 20 percent of the sale price of each lot or ~~burial~~ space so sold, and  
17 such association may at any time increase the same by the addition of surplus  
18 money or property received by it by will, deed, or otherwise.

19 Sec. 36. 18 V.S.A. § 5439 is amended to read:

20 § 5439. DISSOLUTION OF CEMETERY ASSOCIATIONS

1       A cemetery association, which is not owned and operated by a church or by  
2       a religious or ecclesiastical society, may be dissolved under the provisions  
3       of 11B V.S.A. chapter 14. Upon dissolution, all lands owned or held by it for  
4       cemetery purposes and all perpetual care funds, trust funds, and all other  
5       property held or owned by it, less dissolution expenses, may be transferred to  
6       the town in which the lands are located, and thereafter these lands may become  
7       public ~~burial grounds~~ cemeteries, and the town shall hold the perpetual care  
8       funds and trust funds in trust for the care, improvement, and embellishment of  
9       the lots therein, according to the terms upon which they were held by the  
10      association.

11      Sec. 37. 18 V.S.A. § 5483 is amended to read:

12      § 5483. ACQUISITION OF LAND BY TOWN

13      When it is necessary to enlarge a public ~~burial ground~~ cemetery or to  
14      establish a new one, three or more freeholders of the town may apply in  
15      writing to the selectboard, setting forth such necessity with a description of the  
16      land necessary for the purpose. The selectboard shall thereupon proceed as in  
17      case of an application by three or more freeholders to lay out a highway.

18      Sec. 38. 18 V.S.A. § 5484 is amended to read:

19      § 5484. ACQUISITION OF GRAVEL BY TOWN OR ASSOCIATION

20      (a) When public necessity requires that a ~~burial ground~~ cemetery be raised  
21      or portions thereof filled up with gravel or earth, and the town or association

1 owning or managing the same cannot agree with the owner of such gravel or  
2 earth for its purchase, three or more owners of lots in ~~such burial ground~~ the  
3 cemetery may apply in writing to the selectboard, setting forth such necessity.  
4 The selectboard shall thereupon proceed as in case of an application to them by  
5 three or more freeholders to lay out a highway. If in their opinion such  
6 necessity exists, they shall authorize, in writing, such town or association to  
7 take and remove such gravel or earth, use the same for the purposes aforesaid,  
8 and appraise the damage to the owner thereof.

9 \* \* \*

10 Sec. 39. 18 V.S.A. § 5485 is amended to read:

11 § 5485. APPEAL TO SUPERIOR COURT

12 When, in accordance with the provisions of this chapter, a person owning or  
13 having an interest in lands taken for a ~~burial ground~~ cemetery, or gravel or  
14 earth for the same, is dissatisfied with such taking or with the damages  
15 awarded to him or her by the selectboard in such proceedings, he or she may  
16 petition the Superior Court of the county in which such lands lie in the same  
17 manner as in case of an appeal as to the laying out of a highway by the  
18 selectboard, and thereupon the same proceedings shall be had on such petition.

19 Sec. 40. 18 V.S.A. § 5488 is amended to read:

20 § 5488. ENLARGEMENT OF CEMETERIES BY ASSOCIATIONS-

21 PETITION TO SUPERIOR COURT TO ACQUIRE LAND



1 or any other type of human reduction acceptable to the Director as established  
2 by the Director by rule.

3 (2) “Director” means the Director of the Office of Professional  
4 Regulation.

5 (3) “Funeral director” means a licensed person who is the owner, co-  
6 owner, employee, or manager of a licensed funeral establishment and who, for  
7 compensation, engages in the practice of funeral service.

8 (4) “Funeral establishment” means a business registered with the Office  
9 conducted at a specific street address or location devoted to the practice of  
10 funeral service, and includes a limited services establishment.

11 (5) “Office” means the Office of Professional Regulation.

12 (6) “Practice of funeral service” means arranging, directing, or  
13 providing for the care, preparation, or disposition of dead human bodies for a  
14 fee or other compensation. This includes:

15 (A) meeting with the public to select a method of disposition or  
16 funeral observance and merchandise;

17 (B) entering into contracts, either at-need or pre-need, for the  
18 provision of dispositions, funeral observances, and merchandise;

19 (C) arranging, directing, or performing the removal or transportation  
20 of a dead human body;

1 (D) securing or filing certificates, permits, forms, or other  
2 documents;

3 (E) supervising or arranging a funeral, memorial, viewing, or  
4 graveside observance; and

5 (F) holding oneself out to be a licensed funeral director by using the  
6 words or terms “funeral director,” “mortician,” “undertaker,” or any other  
7 words, terms, title, or picture that, when considered in context, would imply  
8 that such person is engaged in the practice of funeral service or is a licensed  
9 funeral director.

10 (7) “Removal” means the removal of dead human bodies from places of  
11 death, hospitals, institutions, or other locations, for a fee or other  
12 compensation.

13 (8) “Natural organic reduction” has the same meaning as in 18 V.S.A.  
14 § 5302.

15 (9) “Natural organic reduction facility” means a business registered with  
16 the Office conducted at a specific street address or location devoted to the  
17 disposition of dead human bodies by means of natural organic reduction.

18 \* \* \*

19 (c) Notwithstanding this section, crematory ~~owners~~ establishments, natural  
20 organic reduction facilities, and their personnel may engage in the listed  
21 activities in ~~subsection~~ subdivision (a)(6) of this section only to the extent such

1 functions are necessary to the performance of their duties. Specifically,  
2 ~~crematory~~ personnel at crematory establishments and natural organic reduction  
3 facilities may:

4 (1) provide for the disposition of dead human bodies by cremation or  
5 natural organic reduction, as applicable, and meet with the public to arrange  
6 and provide for the disposition;

7 (2) enter into contracts, without taking prepaid funds, for the provision  
8 of dispositions by cremation or natural organic reduction, as applicable;

9 (3) arrange, direct, or perform the removal or transportation of a dead  
10 human body, ~~so long as~~ provided that removals are performed by licensed  
11 removal personnel; and

12 (4) secure and file certificates, permits, forms, or other documents.

13 Sec. 43. 26 V.S.A. § 1212 is amended to read:

14 § 1212. ADVISOR APPOINTEES; DIRECTOR DUTIES; RULES

15 (a)(1) The Secretary of State shall appoint four persons for five-year  
16 staggered terms to serve at the Secretary's pleasure as advisors in matters  
17 relating to funeral service. Three of the initial appointments shall be for four-,  
18 three-, and two-year terms. Appointees shall include three licensed funeral  
19 directors, one of whom is a licensed embalmer and one of whom has training  
20 or experience in the operation of ~~crematoria~~ a crematory establishment or  
21 natural organic reduction facility. One appointee shall be a public member.



1 Copies of the inspector's report of inspections of establishments and facilities  
2 shall be provided to the Director.

3 Sec. 45. 26 V.S.A. § 1251 is amended to read:

4 § 1251. LICENSE REQUIREMENTS

5 (a) A person, partnership, corporation, association, or other organization  
6 shall not open or maintain a funeral establishment unless the establishment is  
7 licensed by the Office to conduct the business and unless the owner, a co-  
8 owner, or manager is a licensed funeral director.

9 (b) A person, partnership, corporation, association, or other organization  
10 shall not open or maintain a crematory establishment or natural organic  
11 reduction facility unless the establishment is licensed by the Office.

12 (c) A person shall not hold himself or herself out as performing the duties  
13 of a funeral director unless licensed by the Office.

14 (d) Except as otherwise permitted by law, a person employed by a funeral  
15 ~~or establishment,~~ crematory establishment, or natural organic reduction facility  
16 shall not perform a removal unless registered with the Office.

17 Sec. 46. 26 V.S.A. § 1252 is amended to read:

18 § 1252. APPLICATION; QUALIFICATIONS

19 \* \* \*

20 (d) Crematory establishment or natural organic reduction facility.

1           (1) A person, partnership, corporation, association, or other organization  
2           desiring to operate a crematory establishment or natural organic reduction  
3           facility shall apply, in writing, to the Director for a license. The applicant, if a  
4           partnership, corporation, association, or other organization, must have a  
5           designated manager or co-owner who is responsible for the operation of the  
6           establishment and who is registered with the Office under subsection (e) of this  
7           section.

8           (2) The application for a license shall be sworn to by the individual, or a  
9           partner or a duly authorized officer of a corporation, shall be on the form  
10          prescribed and furnished by the Director, and the applicant shall furnish  
11          information, as required by rule. The application shall be accompanied by a  
12          licensing fee. However, the applicant shall not be required to pay the fee under  
13          this subsection if the applicant pays the fee under subsection (b) of this section.

14          (e) ~~Crematory personnel~~ Personnel of crematory establishment or natural  
15          organic reduction facility.

16          (1) Any person who desires to engage in direct handling, processing,  
17          identification, ~~or cremation,~~ or natural organic reduction of dead human  
18          remains within a licensed crematory establishment or natural organic reduction  
19          facility, as applicable, shall register with the Office and pay the fee established  
20          in subsection 1256(d) of this chapter. The applicant shall have attained the age

1 of majority and be directly employed by a licensed crematory establishment or  
2 natural organic reduction facility.

3 (2) The Director may prescribe, by rule, the forms for applicants, which  
4 may include proof of completion of up to three hours of education and training  
5 in programs approved by the Director.

6 (f) Removal personnel.

7 (1) Any person who desires to engage in removals shall register with the  
8 Office and pay the fee established in subsection 1256(d) of this chapter. The  
9 applicant shall have attained the age of majority and be directly employed by a  
10 licensed funeral ~~or establishment~~, crematory establishment, natural organic  
11 reduction facility, or the University of Vermont for removals related to the  
12 University's anatomical gift program.

13 (2) The Director may prescribe, by rule, the forms for applicants, which  
14 may include proof of completion of up to three hours of education and training  
15 in infectious diseases in programs approved by the Director.

16 (3) Registrants under this subsection are authorized to perform removals  
17 only, as defined by this chapter. Unregistered personnel may accompany  
18 registered personnel to assist in removals ~~so long as~~ provided they have been  
19 instructed in handling and precautionary procedures prior to the call.

20 (g) Limited services establishment.

1           (1) The Director may adopt rules for the issuance of limited service  
2 establishment licenses in accordance with this chapter. Limited service  
3 establishment licensees are authorized to perform only disposition services  
4 without arranging, directing, or performing embalming, public viewings,  
5 gatherings, memorials, funerals, or related ceremonies. Disposition services  
6 under this subsection include direct cremation, direct alkaline hydrolysis, direct  
7 natural organic reduction, immediate burial, or direct green burial.

8           (2) Limited services shall be overseen by a funeral director licensed  
9 under this chapter who is employed by the limited service establishment.

10           (3) Each limited service arrangement shall include a mandatory written  
11 disclosure providing notice to the purchaser that limited services do not include  
12 embalming, public viewings, gatherings, memorials, funerals, or related  
13 ceremonies.

14           (4) A funeral director associated with a funeral establishment licensed  
15 under subsection (c) of this section may provide limited services so long as the  
16 mandatory disclosure described under subdivision (3) of this subsection is  
17 provided to the purchaser.

18       Sec. 47. 26 V.S.A. § 1254 is amended to read:

19       § 1254. ISSUANCE OR DENIAL OF LICENSE

20           If, upon review, it is found that the applicant possesses sufficient skill and  
21 knowledge of the business and has met the application and qualification

1 requirements set forth in this chapter, the Director shall issue to him or her a  
2 license to engage in the business of funeral director, embalmer, funeral  
3 establishment, crematory establishment, natural organic reduction facility, or  
4 removal personnel.

5 Sec. 48. 26 V.S.A. § 1256 is amended to read:

6 § 1256. RENEWAL OF REGISTRATION OR LICENSE

7 \* \* \*

8 (d) Applicants and persons regulated under this chapter shall pay the  
9 following fees:

10	(1) Application for license	\$ 70.00
11	(2) Biennial renewal of license	
12	(A) Funeral director	\$ 350.00
13	(B) Embalmer	\$ 350.00
14	(C) Funeral establishment	\$ 800.00
15	(D) Crematory establishment	\$ 800.00
16	(E) Crematory <u>establishment</u> personnel	\$ 125.00
17	(F) Removal personnel	\$ 125.00
18	(G) Limited services establishment license	\$ 800.00
19	(H) <u>Natural organic reduction facility</u>	<u>\$ 800.00</u>
20	(I) <u>Natural organic reduction facility personnel</u>	<u>\$ 125.00</u>

21 \* \* \*





- 1 (C) Private investigator and security service employees, armed  
2 registrants, \$120.00.
- 3 (2) Application for licensure or certification, \$100.00, except  
4 application for:
- 5 (A) Barbering or cosmetology schools and shops, \$300.00.
- 6 (B) Funeral directors, embalmers, crematory establishment  
7 personnel, removal personnel, funeral establishments, crematory  
8 establishments, natural organic reduction facility personnel, natural organic  
9 reduction facilities, and limited services establishments, \$70.00.
- 10 (C) Application for real estate appraisers, \$275.00.
- 11 (D) Temporary real estate appraiser license, \$150.00.
- 12 (E) Appraisal management company registration, \$600.00.
- 13 (F) Private investigator or security services agency, \$340.00.
- 14 (G) Private investigator and security services agency, \$400.00.
- 15 (H) Private investigator or security services sole proprietor, \$250.00.
- 16 (I) Private investigator or security services unarmed licensee,  
17 \$150.00.
- 18 (J) Private investigator or security services armed licensee, \$200.00.
- 19 (K) Private investigator and security services instructor, \$120.00.
- 20 (3) Optician trainee registration, \$50.00.
- 21 (4) Biennial renewal, \$200.00, except biennial renewal for:

- 1           (A) Independent clinical social workers and master's social workers,  
2     \$150.00.
- 3           (B) Occupational therapists and assistants, \$150.00.
- 4           (C) Physical therapists and assistants, \$100.00.
- 5           (D) Optician trainees, \$100.00.
- 6           (E) Barbers, cosmetologists, nail technicians, and estheticians,  
7     \$130.00.
- 8           (F) Schools of barbering or cosmetology, \$300.00.
- 9           (G) Funeral directors and embalmers, \$280.00.
- 10          (H) Crematory establishment personnel, natural organic reduction  
11 facility personnel, and removal personnel, \$100.00.
- 12          (I) Funeral establishments, crematory establishments, natural organic  
13 reduction facilities, and limited services establishments, \$640.00.
- 14          (J) [Repealed.]
- 15          (K) Radiologic therapist, radiologic technologist, nuclear medicine  
16 technologist, \$150.00.
- 17          (L) Certified alcohol and drug abuse counselor, certified apprentice  
18 addiction professional, and licensed alcohol and drug abuse counselor,  
19 \$225.00.
- 20          (M) Private investigator or security services agency, or both,  
21 \$300.00.

1 (N) Private investigator or security services unarmed licensee,  
2 \$120.00.

3 (O) Private investigator or security services armed licensee, \$180.00.

4 (P) Private investigator or security services unarmed registrant,  
5 \$80.00.

6 (Q) Private investigator or security services armed registrant,  
7 \$130.00.

8 (R) Private investigator or security services sole proprietor, \$250.00.

9 (S) Private investigator or security services instructor, \$180.00.

10 (5) Limited temporary license or work permit, \$50.00.

11 \* \* \*

12 \* \* \* Effective Dates and Transitional Rulemaking Provision \* \* \*

13 Sec. 51. EFFECTIVE DATES

14 Sec. 50 (fees) shall take effect on June 1, 2023. All other sections shall take  
15 effect on January 1, 2022, except that the Director of the Office of Professional  
16 Regulation shall adopt any rules necessary prior to that date in order to perform  
17 his or her duties under this act.